

FILED

JAN - 4 2012

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

ERIC PREE,

Defendant.

No. CR 11-00775 CW (DMR)

DETENTION ORDER

I. DETENTION ORDER

Defendant Eric Pree is charged in an indictment with violations of 18 U.S.C. § 1349 (conspiracy to commit mail fraud); 18 U.S.C. § 1028A (aggravated identity theft); and 18 U.S.C. § 1341 (mail fraud). On January 3, 2012, the United States moved for Mr. Pree's detention and asked for a detention hearing, as permitted by 18 U.S.C. § 3142(f). On January 4, 2012, Defendant waived the timing of his right to proffer information at a detention hearing, *see* 18 U.S.C. § 3142(f) (a defendant has the right at a section 3142(f) hearing, with the assistance of counsel, to testify, to present witnesses, to cross-examine adverse witnesses, and to present information by proffer or otherwise), and retained his right to raise any additional relevant

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cc: Copy to parties via ECF, Nikki, 2 Certified Copies to US Marshal, Pretrial Services

1 information at a later hearing.

2 After considering the information presented to the Court, and the factors set forth in 18  
3 U.S.C. § 3142(g), the Court detains Mr. Pree as presenting a serious risk of flight and finds that  
4 no condition or combination of conditions in 18 U.S.C. § 3142(c) will reasonably assure his  
5 appearance in this case. *See* 18 U.S.C. §§ 3142(e) and (f); *United States v. Motamedi*, 767 F.2d  
6 1403, 1406 (9th Cir. 1985).

7 II. CONCLUSION

8 The Court detains Mr. Pree at this time. Because Defendant waived his right to present  
9 information under 18 U.S.C. § 3142(f) without prejudice to raising relevant information at a later  
10 hearing, the Court orders that the hearing may be reopened at Defendant's request at any future  
11 time.

12 Mr. Pree shall remain committed to the custody of the Attorney General for confinement  
13 in a corrections facility separate, to the extent practicable, from persons awaiting or serving  
14 sentences or being held in custody pending appeal. Defendant shall be afforded reasonable  
15 opportunity for private consultation with counsel. On order of a court of the United States or on  
16 request of an attorney for the Government, the person in charge of the corrections facility in  
17 which Defendant is confined shall deliver Defendant to a United States marshal for the purpose  
18 of an appearance in connection with a court proceeding.

19 IT IS SO ORDERED.

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22 DATED: January 4, 2012

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DONNA M. RYU  
United States Magistrate Judge